

REMARKS

The Examiner indicated that Claim 1 is allowable if rewritten to include the limitations of claims 2-4. Claim 1 has been amended to include these limitations and, as such the Applicants believe that claim 1 is in condition for allowance.

The Examiner rejected claim 21 as being a substantial duplicate of claim 14. Applicant has amended claim 1 to include the limitations of claims 2-4 and as such, claim 14 is no longer a duplicate of claim 21. Therefore, Applicants contend that the double patenting rejection of claim 21 has been overcome.

The Examiner rejected claims 7, 9, 15 and 23 under 35 U.S.C. 112 for lack of antecedent basis. Claims 7, 9, 15 and 23 have been amended to provide the proper antecedent basis. Thus, these amendments have obviated the objections of the examiner.

A new claim 36 has been added, and for the foregoing reasons it is Applicant's position that this new claim is distinguishable from the both US Patent No. 4,334,211 to McConnell and US Patent No. 5,709,453 to Krent. McConnell teaches a light bar for mounting to emergency vehicles. McConnell does not teach a spoiler as in the present claims. A spoiler, apart from its decorative effect, imparts a specific function to the vehicle. The spoiler, as located in the rear of a vehicle imparts a down force as speeds increase, thereby holding the rear of the car down for better performance at high speed. McConnell teaches a light bar with a particular grill pattern which reduces wind drag. The function of the current invention is completely different than that of McConnell. Further, the light bar of McConnell is not substantially transparent. Transparent is defined by Websters Dictionary (2002) as having the property of transmitting light without appreciable scattering so that bodies lying beyond are seen clearly. Only the housing of McConnell is substantially transparent. The interior is filled with light emitting equipment such that if one were to view the light bar, one would be able to see only what is inside and not beyond. Further, Krent does not teach all the elements of the present invention. Most particularly, the device disclosed in Krent is not substantially transparent. The spoiler of Krent is a normal spoiler modified to focus light to a narrow band and specifically teaches opaque structural members (col. 6, ln. 23). In fact, the whole purpose of Krent is to provide

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a brilliant strip of light, offset by the normal auto exterior made of metal or fiberglass. Clearly the spoiler of Krent could not be construed as substantially clear because to do so would render the light strip ineffective. New dependent claims 37-39 correspond somewhat to claims 10-12 which the Examiner has indicated contain allowable subject matter. Therefore, it is submitted that these claims are also allowable.

In view of the forgoing, reconsideration of claims 1, 5-17, 21-24 and consideration of new claim 36-39 is most earnestly solicited.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. **18-0987**. If a withdrawal is required from Deposit Account No. **18-0987**, the undersigned attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **ALM.PUS0001** for billing purposes.

If the Examiner has any suggestions or comments for placing the claims in better form for allowance a telephone call to the undersigned attorney would be greatly appreciated.

Respectfully submitted,


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